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Attorneys for Plaintiffs
 Ann Otsuka, Janis Keefe, Corinne Phipps and Justin Kiser

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

ANN OTSUKA, an individual; JANIS KEEFE,)	Case No.: C-07-02780-SI
an individual; CORINNE PHIPPS, an)	
individual; and JUSTIN KISER, an individual;)	SUPPLEMENTAL DECLARATION OF
individually and on behalf of all others similarly)	PATRICK R. KITCHIN IN SUPPORT OF
situated,)	MOTION TO BE RELIEVED AS
	COUNSEL AND IN RESPONSE TO THE
Plaintiffs,)	DECLARATIONS OF ATTORNEY
vs.)	DANIEL FEDER AND PLAINTIFF ANN
	OTSUKA
POLO RALPH LAUREN CORPORATION; a)	
Delaware Corporation; POLO RETAIL, LLC., a)	
Delaware Corporation; POLO RALPH)	
LAUREN CORPORATION, a Delaware)	
Corporation, doing business in California as)	
POLO RETAIL CORP; FASHIONS OUTLET)	DATE: September 21, 2007
OF AMERICA, INC., a Delaware Corporation)	TIME: 9:00 a.m.
and DOES 1-500, inclusive)	JUDGE: Hon. Susan Illston
	LOCATION: Courtroom 10, 19th Floor
Defendants.)	450 Golden Gate Avenue
	San Francisco, California 94102

1 I, Patrick R. Kitchen, declare:

- 2 1. I am an attorney at law licensed to practice before the Courts of the State of California,
3 and am admitted to this Federal District Court. I serve as counsel to the plaintiffs in this
4 case. I make this declaration based on personal knowledge.
- 5 2. I submit this supplemental declaration in response to the declarations attorney Daniel
6 Feder prepared and then filed on or about August 31, 2007. Mr. Feder's declarations
7 contain incorrect and misleading information.
- 8 3. The declarations Mr. Feder prepared and filed allege I have breached my duties
9 to Ms. Otsuka by failing to communicate with her regarding this case. That
10 charge is simply incorrect, as Mr. Feder well knows. Fortunately, I have
11 maintained records of my sustained and committed efforts to communicate with
12 Ms. Otsuka between December 2006 and the present, and I present them to the
13 Court in this declaration.
- 14 4. In his declaration, Mr. Feder represents that he and I decided that, "in order to
15 avoid confusion," I would "take the lead in communicating with the Plaintiffs."
16 (Feder Declaration, ¶ 3, page 2.) That statement is false. No such conversation
17 ever took place. No such agreement was ever made.
- 18 5. With respect to my efforts to communicate with Ms. Otsuka, I have personally
19 reviewed my offices' telephone records from December 2006 to May 2007, and
20 have compiled copies of phone records showing I made 20 telephone calls to
21 Ms. Otsuka between December 2006 and April 2007 in an effort to contact her.
22 (Attached as Exhibit 1 is a true and correct copy of my office's telephone billing
23 records showing 20 telephone calls to Ms. Otsuka's home telephone number of
24 (650) 940-1780.) Ms. Otsuka confirmed that this telephone number was correct
25 in an email to me on October 23, 2006. (A true and correct copy of this email
26 from Ms. Otsuka to me is attached as Exhibit 2.) Based on my best recollection,
27 every, or almost every time, I called Ms. Otsuka, I left messages on her
28 voicemail system asking her to call Mr. Feder or me, leaving my office

1 telephone number, Mr. Feder's office telephone number and my cell phone
2 number. On at least a couple occasions, I did not leave voicemail messages but,
3 instead, determined to try reaching her later in the day. In her declaration, Ms.
4 Otsuka states that her voicemail did not state her name. If that is true, my
5 memory of the actual message may be incorrect. I did, however, recognize her
6 distinctive voice. Ms. Otsuka never returned any of my calls.

- 7 6. In addition, on January 10, 2007, I sent an email to Ms. Otsuka telling her, "I
8 need to speak with you ASAP.") I sent another email to her on January 15,
9 2007, explaining how important it was to the case and the putative class for her
10 to contact me. (True and correct copies of those emails are attached as Exhibit
11 3.)
- 12 7. Co-plaintiff Corinne Phipps also attempted three times to contact Ms. Otsuka in
13 early 2007—by email, by telephone and in person. (Ms. Phipps and Ms. Otsuka
14 became friends when they worked for Polo.) On January 2, 2007, at my
15 request, Ms. Phipps sent Ms. Otsuka an email asking her to complete the special
16 interrogatory responses I had sent to Ms. Otsuka weeks earlier. Ms. Otsuka
17 failed to respond to this email. (See Declaration of Corinne Phipps submitted
18 herewith.) In early February 2007, Ms. Phipps left a telephone message for Ms.
19 Otsuka on her home telephone number. Ms. Otsuka failed to return that call. In
20 addition, in or about mid-February 2007, Ms. Phipps went to Ms. Otsuka's
21 home, also at my request, in an effort to communicate with her. No one
22 answered the door, so Ms. Phipps left a note asking Ms. Otsuka to contact her,
23 Mr. Feder or me. (See Declaration of Corinne Phipps submitted herewith.)
- 24 8. To the best of my knowledge, Ms. Otsuka never tried to communicate with me
25 after mid-December 2006. On December 12, 2006, I received an email from
26 Ms. Otsuka stating that she had "found two more envelopes" from my office
27 when she returned from a trip. As far as I can determine from my records, that
28 is the last communication I received from Ms. Otsuka.

- 1 9. Throughout the first half of this year, I kept Mr. Feder apprised of my numerous
2 efforts to communicate with Ms. Otsuka, telling him I had left numerous
3 telephone messages on her voicemail. I also told Mr. Feder about the efforts
4 Ms. Phipps had made at my direction to communicate with Ms. Otsuka. I also
5 copied Mr. Feder on all of my correspondence to Ms. Otsuka.
- 6 10. On January 19, 2007, after I had made several attempts to contact Ms. Otsuka, I
7 asked Mr. Feder to call her, hoping he would have better luck than I was having
8 with her. On January 30, 2007, Mr. Feder confirmed he had left a message on
9 Ms. Otsuka's home telephone number. (See, Exhibit 4, a true and correct copy
10 of an email from Mr. Feder to me.)
- 11 11. Thus, while Mr. Feder declares he had no trouble communicating with Ms.
12 Otsuka in July of this year, he is aware that he and I had been unable to
13 communicate with her for seven full months before then. Consequently, his
14 suggestion to the Court that all it took was one email to Ms. Otsuka to garner
15 her participation in this case is false and misleading.
- 16 12. Ms. Otsuka declares she left messages with my office on one or more occasions.
17 If that is true, her telephone records will memorialize those calls. She should
18 provide those records to the Court if they exist. I am unaware, however, of any
19 telephone calls to my office, or to my cell phone, from Ms. Otsuka between
20 around November or early December 2006 and the present. I have spoken with
21 my staff, each member of which keeps telephone logs of all messages left for
22 me. No member of my staff recalls receiving a telephone call from Ms. Otsuka
23 during this time period. My staff members have reviewed the telephone logs
24 and find no reference to any call from Ms. Otsuka either. While it is possible
25 Ms. Otsuka called my office during this time period, it is very unlikely. My
26 staff was aware of my ongoing efforts to contact Ms. Otsuka and was alerted to
27 put any call from her through to me immediately.
28

- 1 13. Ms. Otsuka also declares she sent me emails on more than one occasion
2 between December 2006 and July 24, 2007. While it is possible an email from
3 her was caught by my junk mail filter and deleted, that is unlikely if she was
4 using the email address she had provided me: ann.otsuka@gmail.com. That
5 email address has been part of my email address directory since early 2006 and
6 is exempt from being tagged as junk mail. (I also check my junk emails box
7 several times each day to make sure no emails have been inadvertently caught
8 by the junk mail filter.)
- 9 14. After receiving Ms. Otsuka's declaration, on September 5, 2007, I ran several
10 system wide searches for all emails from and to Ms. Otsuka. According to my
11 MS Outlook system, the last email I received from Ms. Otsuka was in mid-
12 December 2006. If Ms. Otsuka sent emails to me, she should be able to retrieve
13 them from her email service and provide them to the Court.
- 14 15. Ms. Otsuka also declares she sent draft interrogatory responses to my office. I
15 think she is mistaken. But, if she indeed sent them to my office, my office did
16 not receive them. Approximately three weeks ago, I performed a complete
17 diary review of the pleadings and correspondence in this case and worked with
18 my staff to make sure everything in our files was correctly filed. The only draft
19 discovery responses for Ms. Otsuka in our files are ones I prepared on her
20 behalf and sent to her in December 2006.
- 21 16. Ms. Otsuka also declares she has not received any correspondence from my
22 office regarding my efforts to communicate with her, including the motions to
23 be relieved as her counsel. My staff pulled Federal Express delivery receipts
24 from our files that show Federal Express packages were delivered to Ms.
25 Otsuka's home on January 12, 2007, April 16, 2007, April 24, 2007, April 26,
26 2007, and July 23, 2007. (True and correct copies of these Federal Express
27 delivery receipts are attached as Exhibit 5.) (Any Federal Express delivery
28 receipts dated prior to January 2007 are no longer in our system, but may be

1 available through Federal Express. My staff is attempting to obtain them
2 directly from Federal Express.)

3 17. I was so concerned about Ms. Otsuka's failure to respond to my calls and
4 letters, that in or about early January 2007 I ran skip trace searches for her on a
5 subscription database service my office uses to locate witnesses. The report
6 generated a listing of other people in Santa Clara County with the last name
7 Otsuka. I personally made calls to every person with this name I could locate in
8 the area, including Akira Otsuka in Mountain View (the telephone number was
9 disconnected), Atsushi Otsuka in Mountain View (the telephone number was
10 disconnected), Hideyuki Otsuka in Mountain View (the telephone number was
11 disconnected), Michael Dean Otsuka in Mountain View (the person who
12 answered confirmed her last name was Otsuka but she did not know of an Ann
13 Otsuka), and Nobuo Otsuka (the telephone number was disconnected). I re-ran
14 these searches in April and in July 2007. I discussed these efforts and results
15 with Mr. Feder.

16 18. In addition to these Federal Express mailings, I sent Ms. Otsuka three letters by
17 United States Mail to her home address concerning the motion Mr. Feder and I
18 had filed in the Superior Court to be relived as her counsel and detailing my
19 negotiation of a stipulation designed to protect her from discovery sanctions.
20 Mr. Feder was aware of these mailings too. (True and correct copies of these
21 three letters are attached together as Exhibit 6.)

22 19. No mail or Federal Express deliveries to Ms. Otsuka have ever been returned to
23 my office as undelivered or as undeliverable.

24 20. On January 30, 2007, I suggested to Mr. Feder by email that I should travel to
25 Ms. Otsuka's house to talk with her. (A true and correct copy of my email to
26 Mr. Feder is attached as Exhibit 7.) In a subsequent conversation, Mr. Feder
27 advised me not to do so, joking that a visit to her home after all of my efforts
28 would amount to "client stalking." Mr. Feder advised me to file a motion to be

1 relieved as her counsel because I had taken every reasonable step to
2 communicate with her and because she had failed to return one or more calls he
3 had made to her. I agreed with his appraisal, and prepared and filed the motion.

4 21. Finally, Mr. Feder's contention that I abandoned Ms. Otsuka in favor of the
5 other three plaintiffs does not make any sense and is contradicted by
6 information that was in Mr. Feder's possession when he prepared and filed his
7 declaration. As the record demonstrates, I have been fully committed to Ms.
8 Otsuka, have fulfilled my legal and ethical duties to her, and continue to believe
9 she has strong and important claims.

10 22. In summary, between December 2006 and July 2007, I made extraordinary
11 efforts to contact Ann Otsuka, all to no avail. I apprised Mr. Feder of these
12 efforts and he and I had several discussions about them. Mr. Feder made efforts
13 as well. Thus, Mr. Feder's suggestion that I mislead him about these efforts,
14 and thus breached my duties to Ms. Otsuka by failing to communicate with her,
15 is contradicted by the evidence presented through this declaration—evidence in
16 Mr. Feder's possession that he has withheld from the Court.

17 23. For the Court's convenience, I am attaching a table to this declaration as Exhibit
18 8 that details my extensive efforts to communicate with Ms. Otsuka, with
19 references to the exhibits attached to this declaration.

20 I declare or affirm under penalty of perjury under the laws of the United States of
21 America that the foregoing is true and correct and that this declaration was made on
22 September 10, 2007, in San Francisco, California.

23
24 _____/s/_____
25

26 Patrick R. Kitchen
27
28

EXHIBIT 1



at&t

INVESTIGATION LOGIC
565 COMMERCIAL ST FL 4
SAN FRANCISCO CA 94111 - 3031

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Account Number 415 627-9117 962 5
Billing Date Jan 8, 2007

Plans and Services

Local Toll - Continued

Item	No.	Date	Time	Place Called	Number	Code	Min	
	1.	12-28	200P	NAPA CA	707 226-5914	D	1	.21
	2.	12-29	926A	HAYWARD CA	510 264-4000	D	2	.42
	3.	12-29	930A	FRMNNWRKMDCA	510 797-1111	D	2	.42
	4.	12-29	1026A	HAYWARD CA	510 266-1700	D	5	1.05
	5.	12-29	1031A	HAYWARD CA	510 266-1700	D	5	1.05
	6.	12-29	1038A	HAYWARD CA	510 784-4000	D	3	.63
	7.	12-29	1054A	HAYWARD CA	510 259-2928	D	1	.21
	8.	12-29	202P	SANTA ROSACA	707 573-0173	D	1	.21
	9.	1-03	844A	VALLEJO CA	707 648-4374	D	2	.42
	10.	1-03	1012A	VALLEJO CA	707 648-4374	D	1	.21
	11.	1-03	434P	PALO ALTO CA	650 723-6717	D	2	.42
	12.	1-04	437P	SANJS W DACA	408 297-3485	D	1	.21
	13.	1-05	1211P	CONCORD CA	925 682-8200	D	6	1.26
	14.	1-05	1217P	CONCORD CA	925 609-8282	D	5	1.05
Total Itemized Calls								57.13
Total Charges for 415 627-9117								57.13

Charges for 415 627-9075

Itemized Calls

	15.	12-12	111P	REDWOOD CYCA	650 365-7343	D	2	.42
	16.	12-13	101P	PALO ALTO CA	650 725-6314	D	5	1.05
	17.	12-14	1223P	PALO ALTO CA	650 723-6717	D	5	1.05
	18.	12-15	942A	FRMNNWRKMDCA	510 673-3538	D	3	.63
	19.	12-18	1222P	HAYWARD CA	510 537-1234	D	5	1.05
	20.	12-19	1011A	SANJS W DACA	408 236-8400	D	3	.63
	21.	12-19	1142A	GILROY CA	408 842-6444	D	3	.63
	22.	12-19	1143A	GILROY CA	408 842-6441	D	2	.42
	23.	12-19	1212P	LOS GATOS CA	408 356-2363	D	1	.21
	24.	12-19	108P	SANJSO DACA	408 361-2190	D	1	.21
	25.	12-19	153P	LOS GATOS CA	408 356-2363	D	2	.42
	26.	12-20	254P	WALNUT CRKCA	925 295-4413	D	1	.21
	27.	12-21	1038A	PALO ALTO CA	650 498-6253	D	2	.42
	28.	12-21	1122A	WALNUT CRKCA	925 295-4413	D	1	.21
	29.	12-21	1133A	SANTA ROSACA	707 573-1073	D	1	.21
	30.	12-22	944A	PALO ALTO CA	650 843-7530	D	1	.21
	31.	12-26	1019A	HAYWARD CA	510 888-9268	D	1	.21
	32.	12-28	1207P	HAYWARD CA	510 259-2928	D	1	.21
	33.	12-29	1036A	UNION CITYCA	510 675-6800	D	1	.21
	34.	12-29	1234P	PALO ALTO CA	650 853-4876	D	4	.84
	35.	1-04	447P	FRMNNWRKMDCA	510 673-3538	D	1	.21
	36.	1-06	340P	MT VIEW CA	650 940-1780	N	1	.21
Total Itemized Calls								9.87
Total Charges for 415 627-9075								9.87

Key to Calling Codes

D Day N Night/Weekend

Total Local Toll 67.00

Surcharges and Other Fees

37.	Federal Subscriber Line Charge	9.30
38.	Rate Surcharge	.60

Surcharges and Other Fees - Continued

39.	State Regulatory Fee	.15
40.	Federal Universal Service Fee	1.20
Total Surcharges and Other Fees		11.25

Government Fees and Taxes

41.	CA High Cost Fund Surcharge - A:	.29
42.	CA High Cost Fund Surcharge - B:	2.75
43.	California Teleconnect Fund Surcharge	.18
44.	Universal Lifeline Telephone Service Surcharge	1.78
45.	CA Relay Service and Communications Devices Fund	.07
46.	Local Government Fee	5.50
47.	9-1-1 Emergency System	.62
48.	Federal	2.01
49.	Local	10.15
Total Government Fees and Taxes		23.35

Total Plans and Services 173.75

AT&T Messaging

Monthly Service - Jan 8 thru Feb 7

Item	No.	Description	Quantity	Rate	
	50.	Voice Mail Mailbox	1	22.95	22.95

Total AT&T Messaging 22.95

AT&T Internet Services

Important Information

AT&T Yahoo! Dial and AT&T Yahoo! High Speed Internet are co-branded services of AT&T Internet Services and Yahoo! Inc. Please note that your AT&T Bill will reference "AT&T Yahoo! Dial" or "AT&T Yahoo! High Speed Internet" as your AT&T Internet service even if you have not yet upgraded to this service.





PATRICK KITCHIN
565 COMMERCIAL ST FL 4
SAN FRANCISCO CA 94111 - 3031

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Account Number 415 677-9058 902 1
Billing Date Feb 1, 2007

Plans and Services

Local Toll - Continued

Item	No.	Date	Time	Place Called	Number	Code	Min	
	1.	1-03	1039A	SAN RAMON CA	925 487-5769	D	1	.21
	2.	1-03	1041A	MT VIEW CA	650 940-1780	D	1	.21
	3.	1-05	455P	MT VIEW CA	650 940-1780	D	1	.21
	4.	1-05	250P	MT VIEW CA	650 940-1780	N	1	.21
	5.	1-09	904A	IGNACIO CA	415 884-1155	D	10	2.10
	6.	1-09	1227P	SAN RAMON CA	925 487-5769	D	1	.21
	7.	1-09	442P	FRMNNWRKMDCA	510 790-9254	D	4	.84
	8.	1-10	429P	MT VIEW CA	650 940-1780	D	1	.21
	9.	1-11	321P	SAN RAMON CA	925 487-5769	D	1	.21
	10.	1-12	108P	SAN RAMON CA	925 487-5769	D	21	4.41
	11.	1-12	156P	PALO ALTO CA	650 289-7839	D	1	.21
	12.	1-12	353P	SAN RAMON CA	925 487-5769	D	1	.21
	13.	1-13	1210P	SAN RAMON CA	925 487-5769	N	1	.21
	14.	1-13	350P	MT VIEW CA	650 940-1780	N	1	.21
	15.	1-15	926A	SAN RAMON CA	925 487-5769	D	1	.21
	16.	1-15	926A	SAN RAMON CA	925 487-5769	D	1	.21
	17.	1-15	1042A	SAN RAMON CA	925 487-5769	D	1	.21
	18.	1-18	520P	MT VIEW CA	650 940-1780	E	1	.21
	19.	1-19	304P	NOVATO CA	415 246-2801	D	2	.42
	20.	1-19	359P	MT VIEW CA	650 940-1780	D	1	.21
	21.	1-29	325P	NOVATO CA	415 246-2801	D	1	.21
Total Itemized Calls								11.55

Key to Calling Codes

D Day E Evening N Night/Weekend

Total Local Toll 11.55

Surcharges and Other Fees

22.	Federal Subscriber Line Charge	4.65
23.	Rate Surcharge	.24
24.	State Regulatory Fee	.03
25.	Federal Universal Service Fee	.45
Total Surcharges and Other Fees		5.37

Government Fees and Taxes

26.	CA High Cost Fund Surcharge - A:	.05
27.	CA High Cost Fund Surcharge - B:	.54
28.	California Teleconnect Fund Surcharge	.03
29.	Universal Lifeline Telephone Service Surcharge	.34
30.	CA Relay Service and Communications Devices Fund	.02
31.	Local Government Fee	2.75
32.	9-1-1 Emergency System	.14
33.	Federal	.61
34.	Local	2.46
Total Government Fees and Taxes		6.94

Total Plans and Services 38.77

AT&T Messaging

Monthly Service - Feb 1 thru Feb 28

Item	No.	Description	Quantity	Rate	
	35.	Voice Mail Mailbox	1	22.95	22.95
Total AT&T Messaging					22.95

News You Can Use

PREVENT DISCONNECT

All charges must be paid each month to keep your account current. However, "basic service" and its applicable taxes and surcharges MUST be paid to avoid disconnection. Currently, for this account that amount is \$10.50. Failure to pay non-basic charges may result in other collection activities, including restriction of toll calls.

CARRIER INFORMATION

Our records indicate that you have selected AT&T California or a company that resells their services as your primary local toll carrier and Excel Telecommunications or a company that resells their services as your primary long distance carrier. Please contact us if this does not agree with your records.

FED EXCISE TAX

Answers about the Federal Excise Tax refund can be found at www.irs.gov. For answers on how to retrieve AT&T bill copies in support of Federal Excise Tax amounts, see www.att.com.

REPAIR MADE EASY!

Did you know that you can report trouble or check the status of a trouble on your AT&T voice line by using our Automated Repair System? Our system is able to test your line, diagnose the problem, and let you know when your trouble will be repaired. It's that easy. Call us at 611 or visit us online at att.com/repair





at&t

INVESTIGATION LOGIC
565 COMMERCIAL ST FL 4
SAN FRANCISCO CA 94111 - 3031

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Account Number 415 627-9117 962 5
Billing Date Feb 8, 2007

Plans and Services

Local Toll - Continued

No.	Date	Time	Place Called	Number	Code	Min	
1.	1-23	250P	HAYWARD CA	510 783-5963	D	1	.21
2.	1-23	252P	HAYWARD CA	510 783-5963	D	2	.42
3.	1-24	946A	HAYWARD CA	510 266-1700	D	4	.84
4.	1-24	1106A	WALNUT CRKCA	925 941-5050	D	2	.42
5.	1-26	914A	HAYWARD CA	510 889-5065	D	1	.21
6.	1-26	1057A	SANJSSO DACA	408 361-2190	D	2	.42
7.	1-26	1119A	HAYWARD CA	510 889-5065	D	1	.21
8.	1-26	1212P	SANJS W DACA	408 947-2500	D	1	.21
9.	1-26	1249P	SANJSNO DACA	408 515-2020	D	2	.42
10.	1-26	233P	SANJS W DACA	408 280-6898	D	2	.42
11.	1-27	1130A	MT VIEW CA	650 940-1780	N	1	.21
12.	1-30	1042A	HAYWARD CA	510 537-1234	D	6	1.26
13.	1-30	1049A	HAYWARD CA	510 889-5065	D	1	.21
14.	1-31	939A	SANJS W DACA	408 451-7800	D	3	.63
15.	2-01	1032A	MT VIEW CA	650 526-3590	D	2	.42
16.	2-01	1034A	MT VIEW CA	650 526-3590	D	1	.21
17.	2-01	1153A	HAYWARD CA	510 266-1700	D	1	.21
18.	2-01	1248P	SANJS W DACA	408 236-4420	D	3	.63
19.	2-01	335P	REDWOOD CYCA	650 363-4630	D	5	1.05
20.	2-02	945A	LOS GATOS CA	408 356-2363	D	3	.63
21.	2-02	1206P	VALLEJO CA	707 651-3568	D	1	.21
22.	2-07	1149A	FRMNNWRKMDCA	510 673-3538	D	1	.21
23.	2-07	1150A	FRMNNWRKMDCA	510 673-3538	D	1	.21
Total Itemized Calls							21.00
Total Charges for 415 627-9075							21.00

Key to Calling Codes

D Day E Evening N Night/Weekend

Total Local Toll 95.65

Surcharges and Other Fees

24.	Federal Subscriber Line Charge	9.30
25.	Rate Surcharge	.24
26.	State Regulatory Fee	.18
27.	Federal Universal Service Fee	1.20
Total Surcharges and Other Fees		10.92

Government Fees and Taxes

28.	CA High Cost Fund Surcharge - A:	.35
29.	CA High Cost Fund Surcharge - B:	3.36
30.	California Teleconnect Fund Surcharge	.21
31.	Universal Lifeline Telephone Service Surcharge	2.17
32.	CA Relay Service and Communications Devices Fund	.08
33.	Local Government Fee	5.50
34.	9-1-1 Emergency System	.78
35.	Federal	2.09
36.	Local	12.52
Total Government Fees and Taxes		27.06

Total Plans and Services 207.32

AT&T Messaging

Monthly Service - Feb 8 thru Mar 7

No.	Description	Quantity	Rate	
37.	Voice Mail Mailbox	1	22.95	22.95
Total AT&T Messaging				22.95

AT&T Internet Services

Important Information

AT&T Yahoo! Dial and AT&T Yahoo! High Speed Internet are co-branded services of AT&T Internet Services and Yahoo! Inc. Please note that your AT&T Bill will reference "AT&T Yahoo! Dial" or "AT&T Yahoo! High Speed Internet" as your AT&T Internet service even if you have not yet upgraded to this service.

For Billing Inquiries:

AT&T Yahoo! High Speed Internet customers call 1 877 722-3755

Dial-up customers call 1 866 722-3425

AT&T Yahoo! Shared Web Hosting customers call 1 866 722-9932

ISDL and SDSL customers call 1 866 375-4748

AT&T Wi-Fi contact information located at www.attwifi.com

Please Note: MC indicates Money Clip transactions and HZ indicates Homezone transactions.

For all MC and HZ inquiries call 1 877 293-9997 or visit

<http://www.sbc.com/moneyclip>, and login through "Manage Your SBC Money Clip(SM) Account" to view your monthly transactions.

For email inquiries regarding High Speed Internet billing only, contact <http://www02.sbc.com/ContactUs/EmailUs/1,,,00.html?id=10&from=>

For written inquiries regarding High Speed Internet billing only, please address to AT&T Yahoo! High Speed Internet Billing Inquiry, P. O. Box 2937, Rohnert Park, CA 95927-2937.

Summary of Current Charges

Monthly Service	59.99
Total Summary of Current Charges	59.99





at&t

INVESTIGATION LOGIC

565 COMMERCIAL ST FL 4

SAN FRANCISCO CA 94111 - 3031

Page 3 of 8

Account Number 415 627-9117 962 5

Billing Date Feb 8, 2007

Plans and Services

Local Toll - Continued

Item	No.	Date	Time	Place Called	Number	Code	Min	
	1.	1-25	950A	SANJSSO DACA	408 972-7102	D	1	.21
	2.	1-25	955A	HAYWARD CA	510 889-5065	D	1	.21
	3.	1-25	959A	HAYWARD CA	510 889-5065	D	2	.42
	4.	1-25	1009A	HAYWARD CA	510 266-1700	D	4	.84
	5.	1-25	1021A	SANJSSO DACA	408 972-7102	D	2	.42
	6.	1-25	1044A	UNION CITYCA	510 675-6700	D	4	.84
	7.	1-25	1051A	UNION CITYCA	510 675-6700	D	1	.21
	8.	1-25	1149A	HAYWARD CA	510 889-5065	D	1	.21
	9.	1-25	119P	CONCORD CA	925 609-8282	D	1	.21
	10.	1-26	1021A	SANJS W DACA	408 236-4420	D	6	1.26
	11.	1-26	1043A	CAMPBELL CA	408 871-5840	D	3	.63
	12.	1-26	1057A	SANJSSO DACA	408 972-6996	D	1	.21
	13.	1-26	1102A	SANJSSO DACA	408 361-2190	D	7	1.47
	14.	1-26	1103A	SANJSSO DACA	408 972-6655	D	6	1.26
	15.	1-26	1118A	HAYWARD CA	510 889-5065	D	1	.21
	16.	1-26	1137A	LOS GATOS CA	408 356-2363	D	1	.21
	17.	1-26	1142A	SANJS W DACA	408 279-0742	D	3	.63
	18.	1-26	1148A	SANJS W DACA	408 297-3485	D	2	.42
	19.	1-26	1203P	SANJS W DACA	408 947-2500	D	2	.42
	20.	1-26	1243P	SANJS W DACA	408 947-2500	D	2	.42
	21.	1-26	1252P	LIVERMORE CA	925 454-6000	D	3	.63
	22.	1-26	436P	NATL411SVC	415 411-0000	D	1	1.99
	23.	1-29	1009A	MT VIEW CA	650 526-3590	D	1	.21
	24.	1-29	1014A	MT VIEW CA	650 526-3590	D	2	.42
	25.	1-30	1028A	FRMNNWRKMDCA	510 673-3538	D	1	.21
	26.	1-30	1041A	SANJS W DACA	408 296-4500	D	8	1.68
	27.	1-30	1116A	HAYWARD CA	510 889-5065	D	1	.21
	28.	1-30	1120A	FRMNNWRKMDCA	510 673-3538	D	6	1.26
	29.	1-31	942A	HAYWARD CA	510 538-0610	D	1	.21
	30.	1-31	1027A	LOS GATOS CA	408 356-2191	D	3	.63
	31.	1-31	1031A	VALLEJO CA	707 651-1000	D	3	.63
	32.	1-31	1035A	VALLEJO CA	707 651-3530	D	4	.84
	33.	1-31	1039A	VALLEJO CA	707 651-3846	D	2	.42
	34.	1-31	1058A	SANJS W DACA	408 885-1288	D	1	.21
	35.	1-31	1107A	SANJS W DACA	408 727-1711	D	3	.63
	36.	1-31	1112A	FREMNTNRKCA	510 226-4660	D	2	.42
	37.	1-31	1113A	CONCORD CA	925 671-3500	D	3	.63
	38.	1-31	1133A	SANJS W DACA	408 885-1288	D	2	.42
	39.	1-31	1135A	LOS GATOS CA	408 356-2191	D	9	1.89
	40.	1-31	1158A	LOS GATOS CA	408 356-2191	D	1	.21
	41.	1-31	407P	MT VIEW CA	650 526-3590	D	1	.21
	42.	1-31	420P	NAPA CA	707 255-4475	D	1	.21
	43.	2-01	1037A	FRMNNWRKMDCA	510 745-6429	D	2	.42
	44.	2-01	1038A	FRMNNWRKMDCA	510 745-6429	D	1	.21
	45.	2-01	1039A	MT VIEW CA	650 526-3590	D	1	.21
	46.	2-01	1041A	MT VIEW CA	650 526-3590	D	1	.21
	47.	2-01	1152A	HAYWARD CA	510 266-1761	D	1	.21
	48.	2-01	1156A	HAYWARD CA	510 266-1700	D	2	.42
	49.	2-01	1253P	SANJSSO DACA	408 361-2190	D	2	.42
	50.	2-01	1258P	LOS GATOS CA	408 356-2363	D	1	.21
	51.	2-01	101P	SANJS W DACA	408 297-3485	D	1	.21
	52.	2-01	102P	SANJS W DACA	408 241-4210	D	1	.21

Local Toll - Continued

Item	No.	Date	Time	Place Called	Number	Code	Min	
	53.	2-01	232P	REDWOOD CYCA	650 363-4630	D	8	1.68
	54.	2-02	949A	FRMNNWRKMDCA	510 673-3538	D	3	.63
	55.	2-02	953A	GILROY CA	408 847-6777	D	2	.42
	56.	2-02	956A	FAIRFLDSSNCA	707 427-8667	D	2	.42
	57.	2-02	1005A	LOS GATOS CA	408 356-2363	D	2	.42
	58.	2-02	1045A	HAYWARD CA	510 266-1761	D	1	.21
	59.	2-02	1048A	HAYWARD CA	510 266-1700	D	4	.84
	60.	2-02	1145A	SANJS W DACA	408 947-2500	D	1	.21
	61.	2-02	1152A	VALLEJO CA	707 651-1000	D	8	1.68
	62.	2-02	1201P	VALLEJO CA	707 651-3846	D	1	.21
	63.	2-02	1203P	VALLEJO CA	707 651-3530	D	3	.63
	64.	2-02	1204P	VALLEJO CA	707 651-3530	D	1	.21
	65.	2-02	1207P	CONCORD CA	925 671-3500	D	1	.21
	66.	2-02	1211P	CONCORD CA	925 671-3500	D	2	.42
	67.	2-02	1213P	CONCORD CA	925 671-3500	D	2	.42
	68.	2-02	1215P	CONCORD CA	925 671-3500	D	2	.42
	69.	2-02	1231P	SANJS W DACA	408 885-1288	D	2	.42
	70.	2-02	1250P	SANJS W DACA	408 947-2500	D	2	.42
	71.	2-02	121P	REDWOOD CYCA	650 780-7400	D	1	.21
	72.	2-02	123P	REDWOOD CYCA	650 780-7281	D	2	.42
	73.	2-05	1005A	CONCORD CA	925 671-3549	D	1	.21
	74.	2-05	1116A	REDWOOD CYCA	650 364-6010	D	4	.84
	75.	2-05	1133A	FRMNNWRKMDCA	510 494-4200	D	2	.42
	76.	2-05	1137A	HAYWARD CA	510 264-4039	D	3	.63
	77.	2-05	1143A	HAYWARD CA	510 264-4000	D	3	.63
	78.	2-05	1217P	HAYWARD CA	510 784-4000	D	3	.63
	79.	2-06	1048A	REDWOOD CYCA	650 363-4602	D	1	.21
	80.	2-07	914A	SANTA CRUZCA	831 475-7300	D	1	.21
	81.	2-07	915A	SANTA CRUZCA	831 475-4242	D	5	1.05
Total Itemized Calls								74.65
Total Charges for 415 627-9117								74.65
Charges for 415 627-9075								
Itemized Calls								
	82.	1-08	1242P	WALNUT CRKCA	925 935-1040	D	1	.21
	83.	1-08	332P	PALO ALTO CA	650 813-5791	D	8	1.68
	84.	1-11	928A	SANJSSO DACA	408 972-7721	D	1	.21
	85.	1-11	1100A	MT VIEW CA	650 969-6300	D	3	.63
	86.	1-12	253P	MT VIEW CA	650 940-1780	D	1	.21
	87.	1-12	257P	PALO ALTO CA	650 289-7839	D	1	.21
	88.	1-12	422P	PALO ALTO CA	650 289-7839	D	1	.21
	89.	1-12	458P	PALO ALTO CA	650 289-7839	D	1	.21
	90.	1-13	1023A	PALO ALTO CA	650 289-7839	N	9	1.89
	91.	1-13	1031A	MT VIEW CA	650 940-1780	N	1	.21
	92.	1-13	240P	MT VIEW CA	650 940-1780	N	1	.21
	93.	1-15	356A	MT VIEW CA	650 940-1780	D	1	.21
	94.	1-17	1157A	SANJS W DACA	408 556-0420	D	3	.63
	95.	1-18	526P	SUNNYVALE CA	408 746-3086	E	1	.21
	96.	1-19	948A	PALO ALTO CA	650 853-4876	D	6	1.26
	97.	1-19	1049A	SUNNYVALE CA	408 730-4251	D	3	.63
	98.	1-19	307P	SANJS W DACA	408 236-4420	D	3	.63
	99.	1-22	753A	MT VIEW CA	650 940-1780	N	1	.21
	100.	1-22	1014A	HAYWARD CA	510 784-4957	D	1	.21
	101.	1-23	230P	PALO ALTO CA	650 853-2963	D	5	1.05
	102.	1-23	249P	HAYWARD CA	510 885-3507	D	1	.21



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INVESTIGATION LOGIC

565 COMMERCIAL ST FL 4

SAN FRANCISCO CA 94111 - 3031

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Account Number 415 627-9117 962 5

Billing Date Apr 8, 2007

Plans and Services

Local Toll - Continued

Item	No.	Date	Time	Place Called	Number	Code	Min	
	1.	3-30	325P	LAFAYETTE CA	925 962-6955	D	1	.21
	2.	4-02	852A	SNJS WEST CA	408 279-0722	D	1	.21
	3.	4-04	1207P	LAFAYETTE CA	925 982-6955	D	2	.42
	4.	4-04	223P	FRFLD-SUISCA	707 425-1334	D	4	.84
	5.	4-05	930A	SANTA ROSACA	707 573-0173	D	1	.21
	6.	4-05	125P	SNCR-LBLMCA	650 593-3274	D	1	.21
	7.	4-05	331P	NATL411SVC	415 411-0000	D	1	1.99
	8.	4-06	854A	SANTA ROSACA	707 573-0173	D	10	2.10
	9.	4-06	1045A	CAMPBELL CA	408 559-2011	D	3	.63
	10.	4-06	158P	CAMPBELL CA	408 559-2011	D	3	.63
	11.	4-06	228P	SNJS WEST CA	408 808-4900	D	3	.63
	12.	4-06	231P	CAMPBELL CA	408 378-4010	D	6	1.26
	13.	4-06	238P	FRNK MAIN CA	510 794-2521	D	10	2.10
	14.	4-06	251P	SANTA ROSACA	707 575-9763	D	2	.42
	15.	4-06	309P	LOS GATOS CA	408 354-6876	D	1	.21
	16.	4-07	328P	WALNUT CRKCA	925 280-0568	N	28	5.88
	17.	4-07	406P	WALNUT CRKCA	925 280-0568	N	1	.21
	18.	4-07	406P	WALNUT CRKCA	925 280-0568	N	1	.21
	19.	4-07	407P	SAN RAMON CA	925 216-6747	N	2	.42
	20.	4-07	409P	WALNUT CRKCA	925 280-0568	N	1	.21
	21.	4-07	455P	WALNUT CRKCA	925 280-0568	N	2	.42
	22.	4-07	505P	LOS GATOS CA	408 355-5213	N	1	.21
Total Itemized Calls								56.17
Total Charges for 415 627-9117								56.17

Charges for 415 627-9075

Itemized Calls	No.	Date	Time	Place Called	Number	Code	Min	
	23.	3-08	1056A	NOVATO CA	415 408-8084	D	1	.21
	24.	3-08	1057A	SNJS WEST CA	408 299-2311	D	1	.21
	25.	3-08	1058A	CAMPBELL CA	408 378-4010	D	3	.63
	26.	3-08	1102A	SARATOGA CA	408 867-9001	D	2	.42
	27.	3-08	1104A	SARATOGA CA	408 867-9001	D	1	.21
	28.	3-08	1105A	SNJS WEST CA	408 277-4444	D	1	.21
	29.	3-08	1107A	FRNK MAIN CA	510 794-2521	D	1	.21
	30.	3-08	1109A	LOS GATOS CA	408 354-6876	D	2	.42
	31.	3-08	1111A	SNJS WEST CA	408 299-5700	D	2	.42
	32.	3-08	1113A	CAMPBELL CA	408 559-2011	D	1	.21
	33.	3-08	1114A	CAMPBELL CA	408 559-2011	D	1	.21
	34.	3-08	1115A	SNJS WEST CA	408 793-1900	D	1	.21
	35.	3-08	1117A	CONCORD CA	925 691-5731	D	1	.21
	36.	3-08	1118A	CONCORD CA	925 497-3109	D	1	.21
	37.	3-09	1139A	CONCORD CA	925 497-3109	D	2	.42
	38.	3-09	1257P	NOVATO CA	415 892-2556	D	1	.21
	39.	3-09	240P	NOVATO CA	415 892-8646	D	1	.21
	40.	3-09	242P	NOVATO CA	415 897-4197	D	1	.21
	41.	3-09	243P	NOVATO CA	415 892-0804	D	2	.42
	42.	3-09	247P	NOVATO CA	415 897-4187	D	10	2.10
	43.	3-09	415P	NOVATO CA	415 892-2556	D	1	.21
	44.	3-09	419P	NOVATO CA	415 892-9603	D	4	.84
	45.	3-09	427P	MT VIEW CA	650 940-1780	D	1	.21
	46.	3-12	132P	PALO ALTO CA	650 498-2577	D	1	.21
	47.	3-13	328P	MARTINEZ CA	925 228-0144	D	1	.21

Local Toll - Continued

Item	No.	Date	Time	Place Called	Number	Code	Min	
	48.	3-13	404P	CONCORD CA	925 497-3109	D	3	.63
	49.	3-15	1040A	SNJS SOUTHCA	408 723-8227	D	4	.84
	50.	3-15	233P	NOVATO CA	415 892-2556	D	2	.42
	51.	3-19	504P	MT VIEW CA	650 964-8901	E	2	.42
	52.	3-20	438P	CONCORD CA	925 646-1951	D	1	.21
	53.	3-21	806A	MT VIEW CA	650 940-1780	D	1	.21
	54.	3-21	119P	SNJS WEST CA	408 249-3140	D	2	.42
	55.	3-23	1155A	SNJS WEST CA	408 279-0722	D	1	.21
	56.	3-24	1003A	HRCUL-RODECA	510 245-7833	N	1	.21
	57.	3-28	217P	MARTINEZ CA	925 228-2722	D	2	.42
	58.	3-29	1009A	FRFLD-SUISCA	707 427-8667	D	2	.42
	59.	3-30	1121A	WALNUT CRKCA	925 295-4075	D	2	.42
	60.	3-30	1132A	WALNUT CRKCA	925 295-4075	D	6	1.26
	61.	3-30	1140A	PALO ALTO CA	650 723-3995	D	1	.21
	62.	3-30	1140A	PALO ALTO CA	650 725-8934	D	2	.42
	63.	3-31	1134A	MT VIEW CA	650 940-1780	N	1	.21
	64.	4-02	158P	SNJS WEST CA	408 293-6684	D	1	.21
	65.	4-03	129P	HALFMOONBYCA	650 726-3016	D	1	.21
	66.	4-03	130P	HALFMOONBYCA	650 726-9316	D	1	.21
	67.	4-04	923A	HALFMOONBYCA	650 726-9316	D	1	.21
	68.	4-04	924A	HALFMOONBYCA	650 726-3016	D	1	.21
	69.	4-04	140P	MT VIEW CA	650 940-1780	D	1	.21
	70.	4-04	403P	HALFMOONBYCA	650 726-9316	D	1	.21
	71.	4-05	931A	HALFMOONBYCA	650 726-9316	D	1	.21
	72.	4-05	931A	HALFMOONBYCA	650 726-3016	D	1	.21
	73.	4-06	1022A	SNJS WEST CA	408 279-0722	D	2	.42
	74.	4-06	252P	LOS GATOS CA	408 354-6876	D	1	.21
	75.	4-07	1236P	MT VIEW CA	650 940-1780	N	1	.21
Total Itemized Calls								18.90
Total Charges for 415 627-9075								18.90

Key to Calling Codes

D Day E Evening N Night/Weekend

Total Local Toll 75.07

Surcharges and Other Fees

76.	Federal Subscriber Line Charge	9.30
77.	Rate Surcharge	.64
78.	State Regulatory Fee	.17
79.	Federal Universal Service Fee	1.46
Total Surcharges and Other Fees		11.57

Government Fees and Taxes

80.	CA High Cost Fund Surcharge - A:	.32
81.	CA High Cost Fund Surcharge - B:	1.96
82.	California Teleconnect Fund Surcharge	.20
83.	Universal Lifeline Telephone Service Surcharge	1.73
84.	CA Relay Service and Communications Devices Fund	.56
85.	Local Government Fee	5.50
86.	9-1-1 Emergency System	.69
87.	Federal	2.20



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PATRICK KITCHIN
565 COMMERCIAL ST FL 4
SAN FRANCISCO CA 94111 - 3031

Page 2 of 4
Account Number 415 677-9058 902 1
Billing Date May 1, 2007

Plans and Services

Local Usage - Continued

Item	No.	Date	Time	Place Called	Number	Code	Min	
	1.	4-02	1258P	SAN RAFAELCA	415 464-4300	D	2	.09
Total Zone 3 Calls								.18

Key to Calling Codes

D Day

Total Local Usage 2.78

Local Toll

Item	No.	Date	Time	Place Called	Number	Code	Min	
Itemized Calls								
	2.	4-02	1142A	PALO ALTO CA	650 289-7860	D	1	.21
	3.	4-16	950A	FRNK MAIN CA	510 790-9254	D	5	1.05
	4.	4-16	246P	PALO ALTO CA	650 289-7860	D	1	.21
	5.	4-18	1030A	SAN RAMON CA	925 487-5769	D	1	.21
	6.	4-18	1058A	PALO ALTO CA	650 289-7860	D	1	.21
	7.	4-18	131P	PALO ALTO CA	650 289-7860	D	1	.21
	8.	4-18	137P	SAN RAMON CA	925 487-5769	D	1	.21
	9.	4-20	940A	FRNK MAIN CA	510 673-3538	D	1	.21
	10.	4-21	1022A	FRNK MAIN CA	510 673-3538	N	2	.42
	11.	4-21	1234P	MT VIEW CA	650 940-1780	N	1	.21
	12.	4-25	309P	PALO ALTO CA	650 289-7860	D	12	2.52
	13.	4-25	322P	PALO ALTO CA	650 289-7860	D	38	7.98
	14.	4-27	1224P	SAN RAMON CA	925 487-5769	D	1	.21
Total Itemized Calls								13.86

Key to Calling Codes

D Day N Night/Weekend

Total Local Toll 13.86

Surcharges and Other Fees

15.	Federal Subscriber Line Charge	4.75
16.	Rate Surcharge	.17
17.	State Regulatory Fee	.03
18.	Federal Universal Service Fee	.55
Total Surcharges and Other Fees		5.50

Government Fees and Taxes

19.	CA High Cost Fund Surcharge - A:	.05
20.	CA High Cost Fund Surcharge - B:	.35
21.	California Teleconnect Fund Surcharge	.03
22.	Universal Lifeline Telephone Service Surcharge	.31
23.	CA Relay Service and Communications Devices Fund	.10
24.	Local Government Fee	2.75
25.	9-1-1 Emergency System	.15
26.	Federal	.58

Government Fees and Taxes - Continued

27.	Local	2.53
Total Government Fees and Taxes		6.85

Total Plans and Services 39.67

AT&T Messaging

Monthly Service - May 1 thru May 31

Item	No.	Description	Quantity	Rate	
	28.	Voice Mail Mailbox	1	22.95	22.95
Total AT&T Messaging					22.95

News You Can Use

PREVENT DISCONNECT

All charges must be paid each month to keep your account current. However, "basic service" and its applicable taxes and surcharges MUST be paid to avoid disconnection. Currently, for this account that amount is \$10.50. Failure to pay non-basic charges may result in other collection activities, including restriction of toll calls.

CARRIER INFORMATION

Our records indicate that you have selected AT&T California or a company that resells their services as your primary local toll carrier and Excel Telecommunications or a company that resells their services as your primary long distance carrier. Please contact us if this does not agree with your records.

UNIVERSAL SVC FEE

Effective 4/3/07, the Federal Universal Service Fee has increased. This fee supports telecommunication needs of low-income households, consumers living in high-cost areas, schools, libraries and rural hospitals. Your current bill reflects the change. For more information, please contact an AT&T Service Representative at the phone number listed on the front of your bill. Thank you for choosing AT&T California.

FEDERAL CHARGE

Effective 4/3/07, the Federal Subscriber Line Charge for all Residential and Business customers increased. Your current bill reflects this change. Lifeline customers will continue to receive credit for the Federal Subscriber Line Charge. For more information, please contact an AT&T Service Representative at the phone number listed on the front of your bill. Thank you for choosing AT&T California.

RATE CHANGE

Effective 6/18/2007, the Business Late Payment Charge will increase from 1.5% of the unpaid balance to the greater of \$10.00 or 1.5% of the unpaid balance. The Late Payment Charge only applies to accounts with unpaid balances of \$20.00 or more. For more information, please contact an AT&T Service Representative at 1 800 750-2355. Thank you for choosing AT&T California.



EXHIBIT 2

Patrick R. Kitchen

From: Ann Otsuka [ann.otsuka@gmail.com]

Sent: Monday, October 23, 2006 6:01 PM

To: Patrick R. Kitchen

Subject: Re: Polo

Hi Patrick:

You may reach me at home tonight after 8:00 pm.
650.940.1780.

Thanks,

Ann

On 10/23/06, **Patrick R. Kitchen** <prk@investigationlogic.com> wrote:
Hi Ann,

Can you please give me a call at your earliest convenience?

Patrick

(415) 677-9058

EXHIBIT 3

Patrick R. Kitchen

From: Patrick R. Kitchen
Sent: Wednesday, January 10, 2007 10:36 AM
To: 'Ann Otsuka'
Subject: Polo

Ann,

I really need to talk with you ASAP.

Please call.

The Law Office of Patrick R. Kitchen
565 Commercial Street, 4th Floor
San Francisco, CA 94111
Phone: (415) 677-9058
Fax: (415) 627-9117
www.kitchenlegal.com

9/5/2007

Patrick R. Kitchen

From: Patrick R. Kitchen
Sent: Monday, January 15, 2007 10:40 AM
To: 'Ann Otsuka'
Cc: 'danfeder@pacbell.net'
Subject: Polo

Ann,

I've been trying to reach you for several weeks. We need to serve responses to the interrogatories I sent you on December 1st. If we fail to respond to the interrogatories, it will adversely affect the case, including the claims we made on a class-wide basis.

Please call me right away. If you are away, but are checking your messages here or at home, please let me know.

Thanks,

Patrick

The Law Office of Patrick R. Kitchen
565 Commercial Street, 4th Floor
San Francisco, CA 94111
Phone: (415) 677-9058
Fax: (415) 627-9117
www.kitchenlegal.com

9/7/2007

EXHIBIT 4

Patrick R. Kitchin

From: Dan Feder [danfeder@pacbell.net]
Sent: Tuesday, January 30, 2007 2:46 PM
To: Patrick R. Kitchin
Subject: Polo II

Patrick: I called Ann and Janis. I left a message on Ann's voicemail. Janis' cell number has been temporarily disconnected.

Daniel L. Feder, Esq.
The Law Offices of Daniel L. Feder
807 Montgomery Street
San Francisco, CA 94133
Tel: (415) 391-9476
Fax: (415) 391-9432
www.dfederlaw.com

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EXHIBIT 5

Admin Admin1

From: TrackingUpdates@fedex.com
Sent: Friday, January 12, 2007 10:00 AM
To: Admin Admin1
Subject: FedEx Shipment 798083363328 Delivered

This tracking update has been requested by:

Company Name: INVESTIGATION LOGIC, INC

Name: ILI Administration

E-mail: admin@investigationlogic.com

Our records indicate that the following shipment has been delivered:

Tracking number:	798083363328
Reference:	26-1990
Ship (P/U) date:	Jan 11, 2007
Delivery date:	Jan 12, 2007 09:43 AM
Sign for by:	Signature Release on file
Delivered to:	Residence
Service type:	FedEx Priority Overnight
Packaging type:	FedEx Envelope
Number of pieces:	1
Weight:	0.5 LB

Shipper Information	Recipient Information
ILI Administration	Ann Otsuka
INVESTIGATION LOGIC, INC	230 Bush Street
807 Montgomery Street	Mountain View
San Francisco	CA
CA	US
US	94041
94133	

Special handling/Services:
Deliver Weekday
Residential Delivery

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All weights are estimated.

To track the latest status of your shipment, click on the tracking number above, or visit us at fedex.com.

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9/5/2007

Admin Admin1

From: TrackingUpdates@fedex.com
Sent: Monday, April 16, 2007 3:01 PM
To: Admin Admin1
Subject: FedEx Shipment 791276275328 Delivered

This tracking update has been requested by:

Company Name: INVESTIGATION LOGIC, INC

Name: ILI Administration

E-mail: admin@investigationlogic.com

Our records indicate that the following shipment has been delivered:

Tracking number:	791276275328
Reference:	26-1990
Ship (P/U) date:	Apr 14, 2007
Delivery date:	Apr 16, 2007 2:51 PM
Sign for by:	Signature Release on file
Delivered to:	Residence
Service type:	FedEx Standard Overnight
Packaging type:	FedEx Envelope
Number of pieces:	1
Weight:	0.50 lb.

Shipper Information	Recipient Information
ILI Administration	Ann Otsuka
INVESTIGATION LOGIC, INC	230 Bush St.
807 Montgomery Street	Mountain View
San Francisco	CA
CA	US
US	94041
94133	

Special handling/Services:
Deliver Weekday
Residential Delivery

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9/5/2007

Admin Admin1

From: TrackingUpdates@fedex.com
Sent: Tuesday, April 24, 2007 11:45 AM
To: Admin Admin1
Subject: FedEx Shipment 799127178313 Delivered

This tracking update has been requested by:

Company Name: INVESTIGATION LOGIC, INC

Name: ILI Administration

E-mail: admin@investigationlogic.com

Our records indicate that the following shipment has been delivered:

Tracking number:	799127178313
Reference:	26-1990
Ship (P/U) date:	Apr 23, 2007
Delivery date:	Apr 24, 2007 11:29 AM
Sign for by:	Signature Release on file
Delivered to:	Residence
Service type:	FedEx Standard Overnight
Packaging type:	FedEx Envelope
Number of pieces:	1
Weight:	0.50 lb.

Shipper Information	Recipient Information
ILI Administration	Ann Otsuka
INVESTIGATION LOGIC, INC	230 Bush St
565 Commercial Street	Mountain View
4th Floor	CA
San Francisco	US
CA	94041
US	
94111	

Special handling/Services:
Deliver Weekday
Residential Delivery

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9/5/2007

Admin Admin1

From: TrackingUpdates@fedex.com
Sent: Thursday, April 26, 2007 3:01 PM
To: Admin Admin1
Subject: FedEx Shipment 798659926744 Delivered

This tracking update has been requested by:

Company Name: INVESTIGATION LOGIC, INC

Name: ILI Administration

E-mail: admin@investigationlogic.com

Our records indicate that the following shipment has been delivered:

Tracking number:	798659926744
Reference:	26-1990
Ship (P/U) date:	Apr 25, 2007
Delivery date:	Apr 26, 2007 2:47 PM
Sign for by:	Signature Release on file
Delivered to:	Residence
Service type:	FedEx Standard Overnight
Packaging type:	FedEx Envelope
Number of pieces:	1
Weight:	0.50 lb.

Shipper Information	Recipient Information
ILI Administration	Ann Otsuka
INVESTIGATION LOGIC, INC	230 Bush Street
565 Commercial Street	Mountain View
4th Floor	CA
San Francisco	US
CA	94041
US	
94111	

Special handling/Services:
Deliver Weekday
Residential Delivery

Please do not respond to this message. This email was sent from an unattended mailbox. This report was generated at approximately 4:51 PM CDT on 04/26/2007.

To learn more about FedEx Express, please visit our website at fedex.com.

All weights are estimated.

To track the latest status of your shipment, click on the tracking number above, or visit us at fedex.com.

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9/5/2007

Admin Admin1

From: TrackingUpdates@fedex.com
Sent: Monday, July 23, 2007 2:00 PM
To: Admin Admin1
Subject: FedEx Shipment 792382533140 Delivered

This tracking update has been requested by:

Company Name: INVESTIGATION LOGIC, INC

Name: ILI Administration

E-mail: admin@investigationlogic.com

Our records indicate that the following shipment has been delivered:

Tracking number:	792382533140
Reference:	26-1990
Ship (P/U) date:	Jul 20, 2007
Delivery date:	Jul 23, 2007 1:49 PM
Sign for by:	Signature Release on file
Delivered to:	Residence
Service type:	FedEx Standard Overnight
Packaging type:	FedEx Envelope
Number of pieces:	1
Weight:	0.50 lb.

Shipper Information	Recipient Information
ILI Administration	Ann Otsuka
INVESTIGATION LOGIC, INC	230 Bush St
565 Commercial Street	Mountain View
4th Floor	CA
San Francisco	US
CA	94041
US	
94111	

Special handling/Services:
Deliver Weekday
Residential Delivery

Please do not respond to this message. This email was sent from an unattended mailbox. This report was generated at approximately 3:53 PM CDT on 07/23/2007.

To learn more about FedEx Express, please visit our website at fedex.com.

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To track the latest status of your shipment, click on the tracking number above, or visit us at fedex.com.

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9/5/2007

EXHIBIT 6

THE LAW OFFICE OF
PATRICK R. KITCHIN

April 25, 2007

VIA FEDERAL EXPRESS

Ann Otsuka
230 Bush Street
Mountain View, CA 94041

William J. Goines, Esq.
Greenberg Traurig, LLP
1900 University Ave., 5th Floor
East Palo Alto, CA 94303

Re: Otsuka v. Polo Ralph Lauren

Dear Ms. Otsuka and Mr. Goines:

In our "Notice of Motion and Motion to be Relieved as Counsel—Civil," we inadvertently listed the hearing date as June 12, 2007, 1:30 p.m., in section 2 of the Judicial Council form. The correct hearing date and time is listed in the text box in the upper right hand corner of the form: June 19, 2007, at 2:30 p.m., in Department 304.

Please note the correct date, time and place for the hearing.

Very truly yours,



Patrick R. Kitchen

CC: Daniel Feder, Esq.

Hon. Judge Richard A. Kramer, Department 304
By U.S. Mail

THE LAW OFFICE OF
PATRICK R. KITCHIN

April 27, 2007

VIA FACSIMILE ONLY

William J. Goines, Esq.
Greenberg Traurig, LLP
1900 University Ave., 5th Floor
East Palo Alto, CA 94303

Re: *Otsuka, et al. v. Polo Ralph Lauren Corporation, et al.*

Dear Mr. Goines:

Thank you granting an extension of time for Ms. Otsuka to respond to Polo's first set of special interrogatories. We have agreed on Ms. Otsuka's behalf that her responses to these interrogatories will be due 30 calendar days after the court issues its order on our motion to withdraw as counsel. That motion is scheduled to be heard on June 19, 2007.

Thank you for this courtesy.

Very truly yours,



Patrick R. Kitchen

Cc: Ann Otsuka (via U.S. Mail)
Daniel Feder, Esq.

THE LAW OFFICE OF
PATRICK R. KITCHIN

June 8, 2007

Ann Otsuka
230 Bush Street
Mountain View, CA 94041

Re: Otsuka v. Polo Ralph Lauren

Dear Ms. Otsuka:

Defendants have removed this case to the Federal District Court for the Northern District of California. Therefore, the Motion to be Relieved as Counsel we filed in the San Francisco Superior Court will not go forward as scheduled on June 19, 2007, at 2:30 p.m., in Department 304.

Unless you will sign a substitution of attorney form as we have requested, we will re-notice a motion to relieved as your counsel in the Federal District Court. If you have any questions at all, please feel free to give me a call.

Very truly yours,



Patrick R. Kitchen

CC: Daniel Feder, Esq.

EXHIBIT 7

Patrick R. Kitchin

From: Patrick R. Kitchin
Sent: Tuesday, January 30, 2007 3:37 PM
To: 'danfeder@pacbell.net'
Subject: RE: Polo II

Thanks,

It may be about time for a FedEx letter to Janis and a visit to Ann. Maybe we can discuss on Thursday if you're available.

Patrick

From: Dan Feder [mailto:danfeder@pacbell.net]
Sent: Tuesday, January 30, 2007 2:46 PM
To: Patrick R. Kitchin
Subject: Polo II

Patrick: I called Ann and Janis. I left a message on Ann's voicemail. Janis' cell number has been temporarily disconnected.

Daniel L. Feder, Esq.
The Law Offices of Daniel L. Feder
807 Montgomery Street
San Francisco, CA 94133
Tel: (415) 391-9476
Fax: (415) 391-9432
www.dfederlaw.com

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9/5/2007

EXHIBIT 8

Ann Otsuka, et al. v. Polo Ralph Lauren Corporation, et al.
United States District Court Case No. C-07-02780-SI

COMMUNICATION/ EVENT	DATE	EXHIBIT/ EVIDENCE
Email Message from Ann Otsuka to Patrick Kitchin confirming her telephone number	Monday, October 23, 2006	Exhibit 2
Email from Ann Otsuka to Patrick Kitchin confirming she had received "two more envelopes from [Mr. Kitchin's] office." Last Communication from Ms. Otsuka	Tuesday, December 12, 2006	Kitchin Declaration ¶ 11
Telephone Message to Ann Otsuka from Patrick Kitchin. No response.	Wednesday, January 3, 2007 (10:41 a.m.)	Exhibit 1
Telephone Message to Ann Otsuka from Patrick Kitchin. No response.	Friday, January 5, 2007 (4:55 p.m.)	Exhibit 1
Telephone Message to Ann Otsuka from Patrick Kitchin. No response.	Saturday, January 6, 2007 (2:50 p.m.)	Exhibit 1
Telephone Message to Ann Otsuka from Patrick Kitchin. No response.	Saturday, January 6, 2007 (3:40 p.m.)	Exhibit 1
Email Message to Ann Otsuka from Patrick Kitchin. No response.	Wednesday, January 10, 2007 (10:36 a.m.)	Exhibit 3
Telephone Message to Ann Otsuka from Patrick Kitchin. No response.	Wednesday, January 10, 2007 (4:29 p.m.)	Exhibit 1
Telephone Message to Ann Otsuka from Patrick Kitchin. No response.	Thursday, January 11, 2007 (11:00 a.m.)	Exhibit 1
Federal Express Delivery of letter to Ann Otsuka asking her to contact	Friday, January 12, 2007 (9:43 a.m.)	Exhibit 5

counsel immediately. Copy to Daniel Feder. No response.		
Telephone Message to Ann Otsuka from Patrick Kitchin. No response.	Saturday, January 13, 2007 (10:31 a.m.)	Exhibit 1
Telephone Message to Ann Otsuka from Patrick Kitchin. No response.	Saturday, January 13, 2007 (2:40 p.m.)	Exhibit 1
Telephone Message to Ann Otsuka from Patrick Kitchin. No response.	Saturday, January 13, 2007 (3:50 p.m.)	Exhibit 1
Telephone Message to Ann Otsuka from Patrick Kitchin. No response.	Monday, January 15, 2007 (9:56 a.m.)	Exhibit 1
Email Message to Ann Otsuka from Patrick Kitchin. No response.	Monday, January 14, 2007 (10:40 a.m.)	Exhibit 3
Telephone Message to Ann Otsuka from Patrick Kitchin. No response.	Thursday, January 18, 2007 (5:20 p.m.)	Exhibit 1
Patrick Kitchin runs skip trace searches on Ann Otsuka and calls persons with the same last name in Santa Clara County. Patrick Kitchin discusses with Daniel Feder and exchanges email regarding same.	On or about January 18, 2007	Kitchin Declaration ¶ 19
Telephone Message to Ann Otsuka from Patrick Kitchin. No response.	Friday, January 19, 2007 (3:59 p.m.)	Exhibit 1
Telephone Message to Ann Otsuka from Patrick Kitchin. No response.	Monday, January 22, 2007 (7:53 a.m.)	Exhibit 1
Telephone Message to Ann Otsuka from Patrick Kitchin. No response.	Saturday, January 27, 2007 (11:30 a.m.)	Exhibit 1

Telephone Message to Ann Otsuka from Daniel Feder. No response.	On or about January 30, 2007	Exhibit 4
Patrick Kitchin recommends personal visit to Ann Otsuka to Daniel Feder. Shortly after this date, Daniel Feder advises against making a personal visit.	January 30, 2007	Exhibit 7
Plaintiff Corinne Phipps leaves one telephone message for Ann Otsuka on Ms. Otsuka's home telephone number. Ms. Phipps recognizes Ms. Otsuka's voice on the voicemail recording. No response.	Early February 2007	Declaration of Corinne Phipps, ¶ 4
Plaintiff Corinne Phipps leaves note in Ann Otsuka's mail box asking her to call Patrick Kitchin, Daniel Feder or Corinne Phipps. When placing the note in Ms. Otsuka's mail box, Ms. Phipps sees a utility bill addressed to Ann Otsuka. No response.	Mid-February 2007	Declaration of Corinne Phipps, ¶ 6
Telephone Message to Ann Otsuka from Patrick Kitchin. No response.	Friday, March 9, 2007 (4:27 p.m.)	Exhibit 1
Telephone Message to Ann Otsuka from Patrick Kitchin. No response.	Wednesday, March 21, 2007 (9:06 a.m.)	Exhibit 1
Telephone Message to Ann Otsuka from Patrick Kitchin. No response.	Saturday, March 31, 2007 (11:34 a.m.)	Exhibit 1
Telephone Message to Ann Otsuka from Patrick Kitchin. No response.	Wednesday, April 4, 2007 (1:49 p.m.)	Exhibit 1
Telephone Message to	Saturday, April 7, 2007 (12:36 p.m.)	Exhibit 1

Ann Otsuka from Patrick Kitchin. No response.		
Patrick Kitchin prepares letter to Ann Otsuka stating that he and Daniel Feder had been trying to reach her for several months. Daniel Feder reviews and approves. Copy to Daniel Feder. No response.	Monday, April 9, 2007	
Federal Express Delivery of letter to Ann Otsuka. Copy to Daniel Feder. No response.	Monday, April 16, 2007 (2:51 p.m.)	Exhibit 5
Telephone Message to Ann Otsuka from Patrick Kitchin. No response.	Saturday, April 21, 2007 (12:34 p.m.)	Exhibit 1
Federal Express Delivery of Substitution of Counsel Form for Ann Otsuka's signature and Motion to Withdraw as Counsel. No response.	Tuesday, April 24, 2007 (11:29 a.m.)	Exhibits 5 and 6
Federal Express Delivery of letter correcting date of hearing on motion to withdraw as counsel. No response.	Thursday, April 26, 2007 (2:47 p.m.)	Exhibit 5
Letter from Patrick Kitchin to William Goines, with copy by U.S. Mail to Ann Otsuka, confirming stipulation obtained by Patrick Kitchin to protect Ann Otsuka from discovery sanctions for failing to respond to discovery. No response.	April 27, 2007	Exhibit 6
Letter from Patrick Kitchin to Ann Otsuka advising her of removal to Federal District Court. Sent by U.S. Mail. No response.	June 8, 2007	Exhibit 6

Federal Express Delivery of Motion to be relieved as counsel (Federal District Court) served by Federal Express on Ann Otsuka. No response.	Monday, July 23, 2007 (1:49 p.m.)	Exhibit 5
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